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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,517	07/31/2003	Paulo Matos	U1656-00007	4344

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/632,517	Applicant(s) MATOS ET AL.	
	Examiner Angela A. Armstrong	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended claims 1 and 28 to include the limitation “the automated dialog being non-predefined to the system.” The specification does not provide a written disclosure or support for the teachings of the automated dialog being non-predefined to the system.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapaport et al (US Patent No. 7,034,691).

Rapaport discloses adaptive communication methods and systems for facilitating the gathering, distribution, and delivery of information related to medical care.

5. Regarding claim 1, Rapaport discloses a system for operating an automated dialog (col. 43, line 33 to col. 67, line 24), comprising: a definer that is accessible to a configuror, wherein the definer configured to allow for the assemblage of the one automated dialog via at least one non-program coding interface (col. 11, lines 39-42), the automated dialog being non-predefined to the system (col. 12, lines 61-62 as alerts (dialog) can be set by manual invocation of a Medical service provider); a data module that is incorporated into the automated dialog after assemblage, the data module comprises at least one information item about at least one recipient of the automated dialog (Interview 340; col. 43, line 33-col. 67, line 24); an executor that incorporates the automated dialog and the data module into a joinder communication, and that executes an communication in accordance with the joinder communication (col. 11, line 39 to col. 12, line 59); and a communication interface, wherein the communication reaches the recipient through the interface (col. 10, line 51 to col. 11, line 25).

Regarding claim 2, Rapaport discloses, the executor further includes at least one assessor, wherein the assessor employs voice recognition to assess at least one interaction mechanism to the communication (col. 10, line 67 to col. 11, line 5).

Regarding claim 3, Rapaport discloses the communication is outgoing (col. 10, line 51 to col. 11, line 25).

Regarding claim 4, Rapaport discloses the communication is incoming (col. 10, line 51 to col. 11, line 25).

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Regarding claim 5, Rapaport discloses the communication interface includes at least one interaction mechanism (col. 12, line 60 to col. 13, line 21).

Regarding claim 6, Rapaport discloses at least one interaction mechanism comprises at least one close-ended response to a close-ended question to the recipient in the automated dialog (col. 31, lines 14-46).

Regarding claim 7, Rapaport discloses the close-ended response is reported to the configuror (col. 31, lines 14-46).

Regarding claim 8, Rapaport discloses the interaction mechanism comprises open-ended response to an open-ended question to the recipient in the automated dialog (col. 31, lines 14-46).

Regarding claims 9-12, Rapaport discloses the open-ended response is transcribed and reported to the configuror (chart notes 372; col. 31, lines 14-46).

Regarding claim 13, Rapaport discloses the definer includes a wizard (Figures 11-35; col. 40, lines 38-59; col. 42, line 58 to col. 43, line 8).

Regarding claim 14, Rapaport discloses the wizard provides to the configuror customer application (Figures 11-35).

Regarding claim 15, Rapaport discloses the customer application includes a recommendation for dialog flow of the automated dialog (col. 43, line 33 to col. 67, line 24).

Regarding claim 16, Rapaport discloses the data module includes recipient format (col. 12, line 25 to col. 14, line 30).

Regarding claim 17, Rapaport discloses the data module includes recipient demographic information (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 43, lines 15-29).

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Regarding claim 18, Rapaport discloses the demographic information includes age (col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claim 19, Rapaport discloses the recipient format is varied in accordance with the recipient demographic information (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 43, lines 15-29).

Regarding claim 20, Rapaport discloses the demographic information includes age (col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claim 21, Rapaport discloses the automated dialog is varied in accordance with the recipient format (col. 12, line 25 to col. 14, line 30; col. 43, lines 15-29).

Regarding claim 22, Rapaport discloses the communication interface includes at least one selected from email, telephone, IP telephony, Web, mail and SMS (col. 10, line 51 to col. 12, line 24).

Regarding claim 23, Rapaport discloses the communication interface is network based (col. 10, line 51 to col. 12, line 24).

Regarding claims 24-26, Rapaport discloses the automated dialog includes selected from the group consisting of medication adherence (prescription refill request), health monitoring, claims adjudication, health monitoring surveys, drug-to-drug migration, change in insurance benefits and patient recruitment (col. 15, lines 14-36 and lines 51-64).

Regarding claim 27, Rapaport discloses the automated dialog is varied in accordance with the interaction mechanism to the automated dialog (col. 12, line 25 to col. 14, line 30; col. 34, lines 20-22; col. 35, lines 25-34; col. 43, lines 15-29).

Regarding claims 28-41, the claims are similar in scope and content to claims 1-27 and are therefore rejected under similar rationale.

Response to Arguments

6. Applicant's arguments filed November 30, 2006, have been fully considered but they are not persuasive. Applicant argues system, Rapaport does not teach an automated dialogs being non-predefined to the system. The Examiner cannot concur. Specifically, at col. 12, lines 61-62, Rapaport discloses the system allows for alerts (dialog) to be set by manual invocation of a Medical service provider, which provides adequate support for a automated dialog to be non-predefined to the system.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

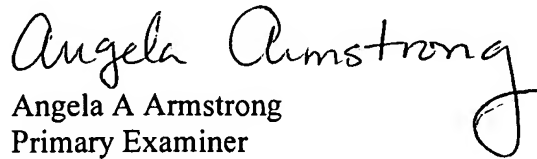
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A. Armstrong
Primary Examiner
Art Unit 2626

AAA
March 4, 2007